

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CESAR ALEJANDRO MARTINEZ,

Plaintiff,

v.

MARTIN BRANDON, et al.,

Defendants.

No. 2:22-cv-1161 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that police officers used excessive force, retaliated, and discriminated against him in violation of his constitutional rights.

By order dated January 31, 2023, the court screened and dismissed the amended complaint. (ECF No. 15.) Plaintiff was granted thirty days leave to file an amended complaint and advised that failure to file an amended complaint would result in a recommendation that this action be dismissed. Those thirty days have passed, and plaintiff has not filed an amended complaint, sought additional time to file an amended complaint, or otherwise responded to the

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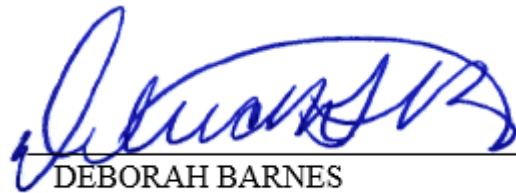
1 Court's order.¹ Accordingly, the undersigned will recommend that this action be dismissed for
2 failure to prosecute and failure to comply with court orders.

3 For the foregoing reasons, the Clerk of the Court is ORDERED to randomly assign this
4 action to a United States District Judge.

5 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
6 Local Rule 110; Fed. R. Civ. P. 41(b).

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
9 after being served with these findings and recommendations, plaintiff may file written objections
10 with the court and serve a copy on all parties. Such a document should be captioned "Objections
11 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
12 objections within the specified time may waive the right to appeal the District Court's order.
13 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: April 20, 2023

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18 DEBORAH BARNES
19 UNITED STATES MAGISTRATE JUDGE
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21 DB:12
22 DB/DB Prisoner Inbox/Civil Rights/R/mart1161.f&r.fta
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25 ¹ Records indicate that plaintiff is no longer in the custody of the California Department of
26 Corrections and Rehabilitation ("CDCR"). See <https://inmatelocator.cdcr.ca.gov/> (inmate locator
27 website operated by the CDCR. This court may take judicial notice of such information. See
28 Louis v. McCormick & Schmick Restaurant Corp., 460 F. Supp. 2d 1153, 1155 fn.4 (C.D. Cal.
2006) (court may take judicial notice of state agency records); Pacheco v. Diaz, No. 1:19-cv-0774
SAB (PC), 2019 WL 5073594, at *2 (E.D. Cal. Sept. 4, 2019) (court may take judicial notice of
the California Department of Corrections and Rehabilitation's inmate locator system). Pursuant
to Local Rule 182(f), service of documents at the record address of the party is fully effective.